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C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 001728

SIPDIS

E.O. 12958: DECL: 09/15/2014

TAGS: [PGOV](#) [CG](#) [PREL](#) [MARR](#) [MONUC](#)

SUBJECT: CONGOLESE, MONUC VIEWS ON TRILATERAL AGREEMENT AND JVM

Classified By: POLCOUNS MSANDERSON, REASONS 1.5 (b) and (d).

11. (C) SUMMARY: The DRC appears willing to sign both a Trilateral Agreement and a Joint Verification Mechanism (JVM) in New York during the UNGA. The GDRC is continuing to press for agreement on terms of reference of the JVM, since it believes a Trilateral Agreement among the DRC, Uganda and Rwanda would be yet another "paper tiger" accord without an effective and functional JVM in place. We believe it is important that SecGen Annan bring the parties together on the margins of the UNGA in New York to finalize the terms of reference of the JVM. END SUMMARY.

12. (C) Both National Security Advisor Guillaume Samba Kaputo and Presidential Advisor Andre Kapanga told us September 10 that because the DRC strongly supports a trilateral agreement President Kabila wants to make sure that it is effective. To that end, the President continues to insist that Rwanda and the DRC reach agreement on the terms of reference of the Joint Verification Mechanism (JVM), which will ensure that the confidence building measures of the trilateral agreement actually work. According to MONUC, Kigali has again proposed changes to the JVM, the latest coming on the same day that Kinshasa had sent a letter accepting the proposed terms of reference unchanged, an agreement which clearly has once again been overtaken by Rwanda's changes. MONUC, from whom we received copies of the Rwandan proposals, reminded us that Rwanda has consistently refused to meet with SRSG Swing to discuss the terms of reference.

13. (C) President Kabila responded September 7 to the SecGen's letter on the JVM, accepting/accepting the document as written -- including the elimination of the phrase calling for immediate investigation of all reports, which was a major concession by Kinshasa. The Congolese also have named all their team members for the JVM, and forwarded those to the SecGen as well. They have, therefore, fully complied with the initial requirements to operationalize the JVM, as outlined in the SecGen's August 18 letter to the three Presidents.

14. (C) On the same day (September 7) President Kagame wrote to the SecGen proposing further/further revisions to the terms of reference -- revisions of which Kabila clearly could not have been aware. These include a demand to "verify Congolese interference in internal Rwandan politics" -- a point not previously raised, to our knowledge. We presume, therefore, that the JVM will still require further consideration.

15. (C) MONUC expressed considerable surprise at the new demands by Kigali, and observed that Rwanda has consistently found a way to delay progress on the JVM, first by refusing to meet with Swing to discuss it (even when Swing went twice to Kigali after meetings were promised), and now by constantly proposing new elements to the terms of reference.

16. (C) On the Congolese side, the frustration which President Kabila expressed personally the USG delegation during their visit to Kinshasa on August 26 to discuss the trilateral agreement continues to echo loudly here. Both Samba Kaputo and Kapanga (striking because the latter normally is much more moderate) said bluntly that the DRC cannot understand why Kinshasa always seems to be cast in the spoiler role. Both questioned the utility of signing yet another "paper tiger" accord, which is all the trilateral agreement would be absent an effective and functional JVM.

17. (C) Both agreed that confidence-building measures are essential to stop mutual recriminations and establish an environment in which genuine progress could be made -- together with MONUC -- on addressing the FDLR/Interahamwe issue, as called for in the trilateral document. Absent the JVM, however, such an environment would exist only in theory.

18. (C) Kaputo indicated on September 10 that the Presidency might, however, be open to the idea of signing both documents together in New York, ie., the JVM first (presumably following a meeting hosted by the SecGen to work out remaining differences on the terms of reference), and then the trilateral agreement.

19. (C) On September 15 at a lunch hosted by the Ambassador, Kapanga reiterated that the GDRC wants to move forward on the

Trilateral Agreement and the JVM. He pointed out that Rwanda's revisions to the JVM had been accepted three times by the GDRC, but added that it was his understanding (from sources he did not share) that the SecGen would not accept the latest revisions being proposed by the Rwandans.

¶10. (C) The Ambassador provided Kapanga an outline of the proposed signing ceremony with Secretary Powell to take place in New York on September 23, and Kapanga said the notional schedule looked excellent. While Kapanga was not in a position to state categorically that President Kabila would sign the agreement, he pointed out that the four principal advisors accompanying Kabila to New York (Foreign Minister Raymond Ramazani Baya, Ambassador-at-Large Leonard She Okitundu, Samba Kaputo, and Kapanga) were all very much in favor and would advise the president accordingly. Kapanga went so far as to suggest that Kabila would be willing to stay in New York through the 23rd (instead of leaving the 22nd as initially planned) expressly for a signing ceremony.

COMMENT

¶11. (C) Despite frustration that the terms of reference for a Joint Verification Mechanism have still not been agreed upon (due to what they perceive as Rwanda's lack of good faith), the Congolese clearly want a trilateral agreement. We could help facilitate the process by exploring with the SecGen's office if they have already planned, or would be willing to consider, hosting a "reconciliation meeting" on the margins of the UNGA to finalize the terms of reference prior to the planned September 23 signing of the trilateral agreement.

END COMMENT.

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